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August 31, 1956

Miss Mary Louise Hancock  
Assistant Planning Director  
N. H. State Planning & Development Comm.  
State House Annex  
Concord, New Hampshire

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CONCORD, N.H.

Dear Miss Hancock:

You have requested our opinion as to whether Planning Boards may hire technical assistance to determine various aspects of a subdivision plan, at the expense of the subdivider. Under the rule making power you have suggested that this be accomplished by the Planning Board establishing regulations requiring that the subdivider seeking approval to pay for such technical assistance.

A review of the provisions of RSA 36:19-29 reveals no statutory authority for assessing part of the costs of reviewing proposed plots for subdivisions back against the subdivider. I do not believe the Planning Boards may make regulations which in effect increase the burden of the subdivider. This would be a matter for the Legislature.

Very truly yours,

Arthur E. Bean, Jr.  
Assistant Attorney General

AEB, Jr/am1